



UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
JUN 30 2008
JUL 3 2008
JUL 3 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Janice D. Scott

(Name of the plaintiff or plaintiffs)

CIVIL ACTION

08CV3821

JUDGE ZAGEL

MAG. JUDGE MASON

v.

John E. Potter

Postmaster General of

the United State Postal Service

(Name of the defendant or defendants)

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is JANICE D. SCOTT of the
county of COOK in the state of ILLINOIS.

3. The defendant is John E. Potter - Postmaster General USPS, whose
street address is 475 L'ENFANT PLAZA S.W.

(city) Washington (county) _____ (state) DC (ZIP) 20036

(Defendant's telephone number) () - _____

4. The plaintiff sought employment or was employed by the defendant at (street address)

1300 E. Northwest Highway (city) PALATINE

(county) COOK (state) IL (ZIP code) 60095

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☒ was hired and is still employed by the defendant.
- (c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

✓ (month) Feb, (day) _____, (year) 2004 OK 2003

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check*

one box] ☐ *has not* filed a charge or charges against the defendant
☐ *has*

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☐ the United States Equal Employment Opportunity Commission, on or about
 (month) _____ (day) _____ (year) _____.

(ii) ☐ the Illinois Department of Human Rights, on or about
 (month) _____ (day) _____ (year) _____.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is

attached. ☐ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) 6 (day) 2003 (year) 2004

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) April
(day) 7 (year) 2008.

* (c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☒ YES ☐ NO, but a copy will be filed within 14 days.

* (ii) Final Agency Decision

☒ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued
a *Notice of Right to Sue*.

(b) ☐ the United States Equal Employment Opportunity Commission has issued a
Notice of Right to Sue, which was received by the plaintiff on
(month) _____ (day) _____ (year) _____ a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☒ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant *[check only those that apply]*

- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- * (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- * (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- * (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☒ other (specify): see attached

*not allow to relocate with job, fail to give retreat right
improper training etc. male were allowing to work in
position, I was denied*

13. The facts supporting the plaintiff's claim of discrimination are as follows:

See attached fact supporting

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☐ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- * (e) ☒ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ Direct the defendant to (specify): *not allow to relocate with position
improper team, make allowing to work in dept. I was denied*

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Janice Scott

(Plaintiff's name)

Janice D. Scott

(Plaintiff's street address)

5508 W. Jackson Blvd

(City) *Chicago* (State) *IL* (ZIP) *60644*

(Plaintiff's telephone number) *(773)* - *378-0144*

* Date: *7-3-08*



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
P. O. Box 19848
Washington, D.C. 20036

Janice D. Scott,
Complainant,

v.

John E. Potter,
Postmaster General,
United States Postal Service,
Agency.

Appeal No. 0120064828¹

Agency No. 4J-600-0134-06

DECISION

Complainant filed a timely appeal with this Commission from the agency's decision dated July 13, 2006, dismissing her complaint of unlawful employment discrimination. Complainant alleged that she was subjected to discrimination on the bases of race (African-American), sex (female), color, disability, and reprisal for prior protected EEO activity when management abolished her job duty assignment as a Data Collection Technician and continued to place male employees on a detail assignment into the abolished position in May 2004.

The agency dismissed the complaint pursuant to 29 C.F.R. § 1614.107(a)(1), for stating the same claim as raised in Agency No. 4J-600-0167-04. The record indicates that, on September 22, 2004, complainant filed a previous complaint, Agency No. 4J-600-0167-04, alleging that, on May 28, 2004, complainant learned that her Data Collection Technician (DCT) position would be abolished.

On November 22, 2005, an EEOC Administrative Judge (AJ) issued a decision without a hearing finding that there was no genuine issue of material fact in dispute, and concluded that complainant had not been discriminated against. Specifically, the AJ found the agency presented legitimate, nondiscriminatory reasons for its actions, which complainant failed to rebut. On December 2, 2005, the agency issued a decision finding no discrimination. The agency fully implemented the AJ's decision.

¹ Due to a new data system, your case has been redesignated with the above-referenced appeal number.

The Commission notes that the real issue of both complaints concerns the abolishment of complainant's job duty assignment as a Data Collection Technician. Thus, the Commission finds that the instant complaint states the same claim as raised in agency number 4J-600-0167-04 (which is pending on appeal in EEOC Appeal No. 0120061598). The instant claim is merely more evidence in support of the prior complaint. Therefore, we find that the instant complaint was properly dismissed pursuant to 29 C.F.R. § 1614.107(a)(1).

The agency's decision is AFFIRMED.

STATEMENT OF RIGHTS - ON APPEAL

RECONSIDERATION (M0701)

The Commission may, in its discretion, reconsider the decision in this case if the complainant or the agency submits a written request containing arguments or evidence which tend to establish that:

1. The appellate decision involved a clearly erroneous interpretation of material fact or law; or
2. The appellate decision will have a substantial impact on the policies, practices, or operations of the agency.

Requests to reconsider, with supporting statement or brief, must be filed with the Office of Federal Operations (OFO) within thirty (30) calendar days of receipt of this decision or within twenty (20) calendar days of receipt of another party's timely request for reconsideration. See 29 C.F.R. § 1614.405; Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110), 9-18 (November 9, 1999). All requests and arguments must be submitted to the Director, Office of Federal Operations, Equal Employment Opportunity Commission, P.O. Box 19848, Washington, D.C. 20036. In the absence of a legible postmark, the request to reconsider shall be deemed timely filed if it is received by mail within five days of the expiration of the applicable filing period. See 29 C.F.R. § 1614.604. The request or opposition must also include proof of service on the other party.

Failure to file within the time period will result in dismissal of your request for reconsideration as untimely, unless extenuating circumstances prevented the timely filing of the request. Any supporting documentation must be submitted with your request for reconsideration. The Commission will consider requests for reconsideration filed after the deadline only in very limited circumstances. See 29 C.F.R. § 1614.604(c).

COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (S0900)

You have the right to file a civil action in an appropriate United States District Court **within ninety (90) calendar days** from the date that you receive this decision. If you file a civil action, you must name as the defendant in the complaint the person who is the official agency head or department head, identifying that person by his or her full name and official title. Failure to do so may result in the dismissal of your case in court. "Agency" or "department" means the national organization, and not the local office, facility or department in which you work. If you file a request to reconsider and also file a civil action, **filing a civil action will terminate the administrative processing of your complaint.**

RIGHT TO REQUEST COUNSEL (Z1199)

If you decide to file a civil action, and if you do not have or cannot afford the services of an attorney, you may request that the Court appoint an attorney to represent you and that the Court permit you to file the action without payment of fees, costs, or other security. See Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*; the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 791, 794(c). **The grant or denial of the request is within the sole discretion of the Court.** Filing a request for an attorney does not extend your time in which to file a civil action. Both the request and the civil action must be filed within the time limits as stated in the paragraph above ("Right to File A Civil Action").

FOR THE COMMISSION:



Carlton M. Hadden, Director
Office of Federal Operations

APR 2 2008

Date

CERTIFICATE OF MAILING

For timeliness purposes, the Commission will presume that this decision was received within five (5) calendar days after it was mailed. I certify that this decision was mailed to the following recipients on the date below:

Janice D. Scott
5508 W Jackson Blvd
Chicago, IL 60644

Odell Harper
PO Box 1005
Maywood, IL 60153

U.S. Postal Service (Great Lakes)
NEEOISO - Appeals
U.S. Postal Service
PO Box 21979
Tampa, FL 33622-1979

APR 2 2008
Date



Equal Opportunity Assistant



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
P. O. Box 19848
Washington, D.C. 20036

Janice D. Scott,
Complainant,

v.

John E. Potter,
Postmaster General,
United States Postal Service,
Agency.

Appeal No. 0120061598¹

Agency No. 4J-600-0167-04

Hearing No. 210-2005-00234X

DECISION

Complainant filed an appeal with this Commission concerning her complaint of unlawful employment discrimination. Complainant alleged that she was subjected to discrimination on the bases of race (African-American), sex (female), color (black), disability (prior diagnosis of breast cancer)², age (date of birth: 07/27/57), and in reprisal for prior protected EEO activity when:

1. On May 28, 2004, complainant learned that her Data Collection Technician (DCT) position would be abolished.
2. After February 2004, complainant did not receive proper training and was not provided proper rights for her job reassignment and location.

On November 22, 2005, an EEOC Administrative Judge (AJ) issued a decision without a hearing finding that there was no genuine issue of material fact in dispute, and concluded that complainant had not been discriminated against. Specifically, the AJ found the agency presented legitimate, nondiscriminatory reasons for its actions, which complainant failed to

¹ Due to a new data system, your case has been redesignated with the above-referenced appeal number.

² The Commission does not address in this decision whether complainant is a qualified individual with a disability.

rebut. On December 2, 2005, the agency issued a decision finding no discrimination. The agency fully implemented the AJ's decision. Complainant now appeals from that decision.

The Commission's regulations allow an AJ to issue a decision without a hearing when he or she finds that there is no genuine issue of material fact. 29 C.F.R. § 1614.109(g). This regulation is patterned after the summary judgment procedure set forth in Rule 56 of the Federal Rules of Civil Procedure. The U.S. Supreme Court has held that summary judgment is appropriate where a court determines that, given the substantive legal and evidentiary standards that apply to the case, there exists no genuine issue of material fact. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). In ruling on a motion for summary judgment, a court's function is not to weigh the evidence but rather to determine whether there are genuine issues for trial. *Id.* at 249. The evidence of the non-moving party must be believed at the summary judgment stage and all justifiable inferences must be drawn in the non-moving party's favor. *Id.* at 255. An issue of fact is "genuine" if the evidence is such that a reasonable fact finder could find in favor of the non-moving party. *Celotex v. Catrett*, 477 U.S. 317, 322-23 (1986); *Oliver v. Digital Equip. Corp.*, 846 F.2d 103, 105 (1st Cir. 1988). A fact is "material" if it has the potential to affect the outcome of the case. If a case can only be resolved by weighing conflicting evidence, summary judgment is not appropriate. In the context of an administrative proceeding, an AJ may properly consider summary judgment only upon a determination that the record has been adequately developed for summary disposition.

We find that the agency articulated legitimate, nondiscriminatory reasons for its actions. Regarding claim 1, the agency asserted that, on April 30, 2004, a Memorandum of Understanding between the agency and the American Postal Workers' Union was issued abolishing five full-time data collection technician positions, which included complainant's position, and six part-time regular data collection technician positions. All Statistical Programs personnel, with the exception of part-time employees, would now be centrally located at the Carol Stream facility. Additionally, the Manager of Finance explained that "the decision to abolish complainant's bid assignment was made for business reasons involving proper staffing and optimum utilization of limited human resources." The Manager of Statistical Programs, who first informed complainant that her position would be abolished, explained that her current schedule 0600 to 1450 failed to satisfy the needs of the Statistical Programs Department.

As to claim 2, the agency argued that complainant's training record demonstrated that complainant was trained on eleven different subject areas from February to April 2004. The Manager of Statistical Programs stated that, in a letter dated May 19, 2004, she informed complainant that her position would be abolished and, unless complainant successfully bids on an alternate position, complainant would become an unassigned regular employee at Palatine P&DC.

The Commission finds that complainant failed to rebut the agency's articulated legitimate, nondiscriminatory reasons for its action. Moreover, complainant failed to show, by a

preponderance of the evidence, that she was discriminated against on the alleged bases. The agency's decision finding no discrimination is AFFIRMED.

STATEMENT OF RIGHTS - ON APPEAL

RECONSIDERATION (M0701)

The Commission may, in its discretion, reconsider the decision in this case if the complainant or the agency submits a written request containing arguments or evidence which tend to establish that:

1. The appellate decision involved a clearly erroneous interpretation of material fact or law; or
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FOR THE COMMISSION:

Carlton M. Hadden

Carlton M. Hadden, Director
Office of Federal Operations

APR 2 2008

Date

0120061598

CERTIFICATE OF MAILING

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Janice D. Scott
5508 W Jackson Blvd
Chicago, IL 60644

Donna Drake
1923 W Ogden
Chicago, IL 60612

U.S. Postal Service (Great Lakes)
NEEOISO - Appeals
U.S. Postal Service
PO Box 21979
Tampa, FL 33622-1979

APR 2 2008

Date _____

Equal Opportunity Assistant

- ~~Exhibit 1~~
~~Exhibit 2~~
~~Exhibit 3~~
~~Exhibit 4~~
~~Exhibit 5~~
- (1) Not given proper rights of reassignment of job (DATA Collection Tech) and relocation due to centralized.
 - (2) Harassment from Management due to previous EEO's and grievances on going recurring Retaliation
 - (3) Improper training received
 - (4) Disability due to Breast Cancer causing Management to treat me different from other employee regarding position in the Department
 - (5) age older black female, treated different from younger female. ~~and male.~~
 - (6) denied position in the Department while allowing male co-worker to work in the department on temporary assignment and ^{also} received full time position.
 - (7) White female at Rockford kept her position ^{due to centralized} ~~with less~~ ^{seniority.}
- Anni Turt*
 7/3/08

Management Violated my rights due to retaliation because of previous EEO complaints filed since 2003, ~~to present~~ and grievance filed since 1988. The EEO Charge included race, color, sex, disability age and ^{retaliation} retaliation. My EEO request in June 2004 for a redress was denied by Management USPS.

- (1) Damages and losses - I was not offered any position in 2003 as a data collection tech.
- (2) I was denied the residual vacant 4am - 12:30 with Sunday / Thursday off August, 2004.
- (3) June 12, 2004 pay location LDC change improperly done by management.
- (4) No retreat right and violated my seniority rights in the department. They assigned others to work in that same position without even offering it to me first.
- (5) Management informed me that they did not a 6am starting time in 2004, but at the same time they created two positions at 5am and two starting at 6am.

John Paul 7/3/08

6. It was management that created a hostile, stressful working environment as a employee. I received disparity treatment, discrimination, to my race, age, color, disability, sex, recurring retaliation and harassment.

James Lewis 7/3/08

U.S. Postal Service

Information for Pre-Complaint Counseling

Certified Mail No.

Date Mailed or Hand Delivered on

03/28/2006

By (Initials)

Case No.

jc

On March 27, 2006, you requested an appointment with a Dispute Resolution Specialist.

(Month, Day, Year)

Important: Please read. You should complete this form and return it to the EEO office within 10 calendar days of receipt. This is the only notification that you will receive regarding the necessity for you to complete this form.

A. Requester Information

Name (Last, First, MI)

Social Security No.

Home Telephone No.

Scott, Janice D.

325-52-7156

(773) 378-0144

Your Mailing Address

5508 W. Jackson Blvd

Name of Postal Facility Where You Work

Palatine

Office Telephone No.

(847) 590-6572

Address of Postal Facility

1300 E. Northwest Highway

Email Address

N/A

Employment Status (Check One)

Position Title

Grade Level

☐ Applicant☐ Casual☐ TE (M)☒ Career

Pay Location

Tour

Duty Hours

Off Days (If Tour, Show Nights Off)

Time in Current Position

022

2

07W-1550

5MT/SUN

22 years Months

Your Supervisor's Name

Shirley Hampton

Supervisor's Title

Supervisor

Supervisor's Telephone No.

(847) 590-6572

*Providing this information will authorize the U.S. Postal Service to send you important documents electronically.

B. Discrimination Factors

Prohibited discrimination includes actions taken based on your Race, Color, Religion, Sex, Age (40+), National Origin, Physical and/or Mental Disability, or in Retaliation (actions based on your participation in prior EEO activity). These categories are referred to on this form as factors.

What factor(s) of Discrimination are you alleging? (Please be specific, i.e., Race-African American, Sex-Female).

Sex - Male Race - White
Recurring retaliation discrimination

For Retaliation Allegations Only. If you are alleging retaliation discrimination, provide the date(s) and specifics of the EEO activity that you feel caused you to be retaliated against.

1. On 9-25-03, I engaged in EEO activity. Case No.: 1J-602-0094-03

(Month, Day, Year)

2. On 5-28-04, I engaged in EEO activity. Case No.: 45-600-0167-04

(Month, Day, Year)

*3. On 12-13-05, I engaged in EEO activity. Case No.: 45-600-0025-06

(Month, Day, Year)

C. Description of Incident/Action

Please use the space below to briefly describe the incident or action that prompted you to seek EEO counseling at this time.

On _____, 20____ Year
Month, Day

Please see attached statement

Explain why, based on the factors you cited in Section B, you believe that you were treated differently than other employees or applicants in similar situations

1. Dwight Barton sex-male

(Name of Employee)

Factor(s) that describe the employee, i.e., sex (male), National Origin (Hispanic)

was treated differently than I when:

mail handled performance data collection duties which I've been denied to perform in the Northern District - on going treatment - discrimination

2. Leonard Baylen sex-male

(Name of Employee)

Factor(s) that describe the employee, i.e., sex (male), National Origin (Hispanic)

was treated differently than I when:

A male performance data collection duties which I've been denied to perform in the Northern District - on going treatment discrimination

3. J. T. Martin sex male

(Name of Employee)

Factor(s) that describe the employee, i.e., sex (male), National Origin (Hispanic)

was treated differently than I when:

A Male performance data collection duties which I've been denied to perform in the Northern District. on going treatment discrimination
* see Addition Sheets *

E. Official(s) Responsible for Action(s)

List the name(s) of the official(s) who took the action that prompted you to seek counseling at this time.

1a. Name <u>Leonard Gickhoff</u>	b. Title <u>MANAGE Finance</u>
c. Office <u>CAD/stream IL</u>	d. Grade Level
2a. Name <u>Shirley Smith</u>	b. Title <u>MANAGE STAT Programs</u>
c. Office <u>Carol Stream IL</u>	d. Grade Level

Retaliation Allegations Only: Was/were the official(s) listed in Section D above aware of your prior EEO activity?

☐ No ☒ Yes If yes, explain how the official(s) became aware: MR Leonard Gickhoff, Shirley Smith and Barbara Younger were named in the previous EEO complaints.

F. Resolution

What are you seeking as a resolution to your pre-complaint?

that Management cease the recurring discrimination retaliation. That I be placed back into my Data Collection position ~~for the same~~ for. That I be made whole from the ~~same~~ first day call male performance data collection duties.

G. Grievance/MSPB Appeal

On the incident that prompted you to seek EEO counseling, have you:

- Filed a grievance on the same issue? ☐ No ☐ Yes If yes, _____ (Date) _____ (Current Step)
- Filed a MSPB appeal on this issue? ☐ No ☐ Yes If yes, _____ (Date Appeal Filed)

H. Anonymity

You have the right to remain anonymous during the pre-complaint process.

Do you desire anonymity? ☒ No ☐ Yes

I. Representation

You have the right to retain representation of your choice. (check one)

☐ I waive the right to representation at this time.

☒ I authorize the person listed below to represent me.

Name of Representative

Representative's Title

Organization

Telephone Number

Email Address*

Mailing Address (Street or P.P. Box, City, State and Zip +4)

* Providing this information will authorize the U.S. Postal Service to send your representative important documents electronically.

J. Documentation

Please attach any documentation you wish to submit to support your allegation(s). Include a copy of any written action(s) that caused you to seek counseling at this time.

Note: If you are alleging mental and/or physical disability, it is important for you to submit medical documentation of your disability during the pre-complaint process.

K. Privacy Act Notice

Privacy Act Notice. The collection of this information is authorized by the Equal Employment Opportunity Act of 1972, 42 U.S.C. § 2000e-16; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses,

grants or other benefits; to a congressional office at your request, to an expert, consultant or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

L. Authorization

I am aware that the claim(s) contained herein shall by-pass the pre-complaint process if like or related to a formal complaint that I have already filed, or if the claim(s) constitutes a spin-off complaint. (A spin-off complaint contests the manner in which a previously filed complaint is being processed.) In completing this PS Form 2564-A, *Information for Pre-complaint Counseling*, I recognize that the Manager, Dispute Resolution will review the claim(s) contained herein and determine how they shall be processed. I will be notified, in writing, if the Manager determines that my claim(s) shall be processed as amendments or appendages to a formal complaint that I have already filed.

Please print your name here

Your Signature

Date signed

Please return this form to:

MANAGER EEO DISPUTE RESOLUTION
NORTHERN ILLINOIS DISTRICT
500 EAST FULLERTON AVENUE
CAROL STREAM IL 60199-9411

U.S. Postal Service

Information for Pre-Complaint Counseling

Certified Mail No.	Date Mailed 03/28/2006	or Hand Delivered on
By (Initials) jc	Case No.	

On March 27, 2006, you requested an appointment with a Dispute Resolution Specialist.
(Month, Day, Year)

Important: Please read. You should complete this form and return it to the EEO office *within 10 calendar days* of receipt. This is the only notification that you will receive regarding the necessity for you to complete this form.

A. Requester Information

Name (Last, First, MI) Scott, Janice D.	Social Security No. 325-52-7156	Home Telephone No. (773) 378-0144
Your Mailing Address 5508 W. Jackson Blvd		
Name of Postal Facility Where You Work Palatine		Office Telephone No. (847) 590-6572
Address of Postal Facility 1300 E. Northwest Highway		Email Address N/A
Employment Status (Check One) <input type="checkbox"/> Applicant <input type="checkbox"/> Casual <input checked="" type="checkbox"/> TE <input checked="" type="checkbox"/> Career	Position Title Clerk	Grade Level 6
Pay Location 022	Tour 2	Duty Hours 0700-1530
Off Days (If Tour 1, Show Nights Off) SAT/SUN		Time in Current Position 22 Years ____ Months
Your Supervisor's Name Shirley Hampton		Supervisor's Title Supervisor
		Supervisor's Telephone No. (847) 590-6572

*Providing this information will authorize the U.S. Postal Service to send you important documents electronically.

B. Discrimination Factors

Prohibited discrimination includes actions taken based on your Race, Color, Religion, Sex, Age (40+), National Origin, Physical and/or Mental Disability, or in Retaliation (actions based on your participation in prior EEO activity). These categories are referred to on this form as factors.

What factor(s) of Discrimination are you alleging? (Please be specific, i.e., Race-African American, Sex-Female).

Sex - Male Race - White
Recurring retaliation discrimination

For Retaliation Allegations Only. If you are alleging retaliation discrimination, provide the date(s) and specifics of the EEO activity that you feel caused you to be retaliated against.

1. On 9-25-03, I engaged in EEO activity. Case No.: 1J-602-0094-03
(Month, Day, Year)

2. On 5-28-04, I engaged in EEO activity. Case No.: 45-600-0167-04
(Month, Day, Year)

*3. On 12-13-05, I engaged in EEO activity. Case No.: 45-600-0025-06
(Month, Day, Year)

C. Description of Incident/Action

Please use the space below to briefly describe the incident or action that prompted you to seek EEO counseling at this time.

On _____, 20____
Month, Day Year

Please see attached statement

Herding Page 3
Comparison
Section D

Brain Gerald White male

WAs treated differently than I when:
A white male performance data
collection dates when I've been denied
to performance in the Northern District -
on going discriminate treatment.

James Zapp White male

* Was treated differently than I when: A white
male ~~to~~ performance data collection
dates, which I've been denied to
performance in the Northern District -
on going discriminate treatment.

Section E Official

Barbara Younger
Carol Stream IL

Supervisor

Janice Lott
4-13-06

Comparison
Section D

Brian Gerald White male

WAs treated differently than I when:
A white male performance data
collection duties when I've been denied
to performance in the Northern District -
on going discriminate treatment.

James Zapp White male

* Was treated differently than I when: A white
male ~~to~~ performance data collection
duties, which I've been denied to
performance in the Northern District -
on going discriminate treatment.

Section E Official

Barbara Younger
Carol Stream IL

Supervisor

Janine Lutt
4-13-06

Addition page 1

4-13-06

Tarence Scott

I have been subject to receiving Retaliation
 discrimination due to EEO Cases,
 grievances filed and a disability that
 were caused by ^{mental} harassment by the
 postal service. Management abolished
 several of my job duty assignment while
 allowing male employees to work in
 the abolished positions performing the
 same duties that I performed on the
 same team that I were working when
 I had the position. Management
 has been blatant with their actions
 causing me continuous mental
 anguish / harassment and alleged
 discrimination in the form of on
 going harassment based on race
 sex and retaliation.

Management are allowing male to
 work data collecting duties on my
 position and denied me to perform
 the duties. Management have also allow
 Dwight Baten a mail handler to do
 check ^{credit} work duties as a DATA Collector
 tech. I became aware of this action (read)

Addition page 1

4-13-06

Tarence Scott

I have been subject to receiving Retaliation
discrimination due to EEO Cases,
grievances filed and a disability that
were caused by ^{mental} damage used by the
postal service. Management abolished
several of my job duty assignment while
allowing male employees to work in
the abolished positions performing the
same duties that I performed in the
same town that I were working when
I had the position. Management
has been blatant with these actions
causing me continuous mental
anguish harassment and alleged
discrimination in the form of on
going harassment based on race
sex and retaliation.

Management are allowing male to
work data collecting duties on my
position and denied me to perform
the duties. Management have also allow
Dwight Baten a mailhandler to do
check ^{work} work duties as a DATA Collector
tech. I became aware of this action ⁱⁿ ^{and}

H. Anonymity

You have the right to remain anonymous during the pre-complaint process.

Do you desire anonymity? ☒ No ☐ Yes

I. Representation

You have the right to retain representation of your choice. (check one)

☐ I waive the right to representation at this time.

☒ I authorize the person listed below to represent me.

Name of Representative <i>DeWitt Harper</i>	Representative's Title <i>N/A</i>	
Organization <i>N/A</i>	Telephone Number () <i>N/A</i>	Email Address <i>N/A</i>
Mailing Address (Street or P.P. Box, City, State and Zip +4) <i>P.O. Box 1005 Maywood, IL 60153</i>		

* Providing this information will authorize the U.S. Postal Service to send your representative important documents electronically.

J. Documentation

Please attach any documentation you wish to submit to support your allegation(s). Include a copy of any written action(s) that caused you to seek counseling at this time.

Note: If you are alleging mental and/or physical disability, it is important for you to submit medical documentation of your disability during the pre-complaint process.

K. Privacy Act Notice

Privacy Act Notice. The collection of this information is authorized by the Equal Employment Opportunity Act of 1972, 42 U.S.C. § 2000e-16; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses,

grants or other benefits; to a congressional office at your request, to an expert, consultant or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

L. Authorization

I am aware that the claim(s) contained herein shall by-pass the pre-complaint process if like or related to a formal complaint that I have already filed, or if the claim(s) constitutes a spin-off complaint. (A spin-off complaint contests the manner in which a previously filed complaint is being processed.) In completing this PS Form 2564-A, *Information for Pre-complaint Counseling*, I recognize that the Manager, Dispute Resolution will review the claim(s) contained herein and determine how they shall be processed. I will be notified, in writing, if the Manager determines that my claim(s) shall be processed as amendments or appendages to a formal complaint that I have already filed.

Please print your name here

Your Signature

Date signed

Please return this form to:

MANAGER EEO DISPUTE RESOLUTION
NORTHERN ILLINOIS DISTRICT
500 EAST FULLERTON AVENUE
CAROL STREAM IL 60199-9411

D. Comparisons

Explain why, based on the factors you cited in Section B, you believe that you were treated differently than other employees or applicants in similar situations

1. Dwight Barten sex - male
(Name of Employee) Factor(s) that describe the employee, i.e., sex (male), National Origin (Hispanic)
was treated differently than I when: mail handler performance data collection duties which I've been denied to perform in the Northern District - on going treatment - discrimination

2. Leonard Baylen sex - male
(Name of Employee) Factor(s) that describe the employee, i.e., sex (male), National Origin (Hispanic)
was treated differently than I when: A male performance data collection duties which I've been denied to perform in the Northern District - on going treatment discrimination

3. J. T. Martin sex male
(Name of Employee) Factor(s) that describe the employee, i.e., sex (male), National Origin (Hispanic)
was treated differently than I when: A male performance data collection duties which I've been denied to perform in the Northern District. on going treatment discrimination
* see Addition sheets *

E. Official(s) Responsible for Action(s)

List the name(s) of the official(s) who took the action that prompted you to seek counseling at this time.

1a. Name <u>Leonard Eickhoff</u>	b. Title <u>MANAGE Finance</u>
c. Office <u>CAD/stream IL</u>	d. Grade Level
2a. Name <u>Shirley Smith</u>	b. Title <u>MANAGE STAT Programs</u>
c. Office <u>Carol Stream IL</u>	d. Grade Level

Retaliation Allegations Only: Were the official(s) listed in Section D above aware of your prior EEO activity?

☐ No ☒ Yes If yes, explain how the official(s) became aware: MR Leonard Eickhoff, Shirley Smith and Barbara Younger were named in the previous EEO complaints.

F. Resolution

What are you seeking as a resolution to your pre-complaint?

That Management cease the recurring discrimination retaliation. That I be placed back into my Data Collection position. That I be made whole from the ages first day call male performance data collection

G. Grievance/MSPB Appeal

On the incident that prompted you to seek EEO counseling, have you:

- Filed a grievance on the same issue? ☐ No ☐ Yes If yes, _____ (Date) _____ (Current Step)
- Filed a MSPB appeal on this issue? ☐ No ☐ Yes If yes, _____ (Date Appeal Filed)

- 3 -

CERTIFICATE OF SERVICE

I hereby certify that the foregoing letter was sent this date to:

Janice D. Scott
5508 W. Jackson Blvd.
Chicago, IL 60644-4204

Janice Campbell

03/28/06

Date

✓ APPEALS PROCESSING CENTER
GREAT LAKES AREA



**UNITED STATES POSTAL SERVICE
EQUAL EMPLOYMENT OPPORTUNITY CASE
IN THE MATTER OF:**

**Janice Scott,
Complainant,**

Agency No.: 4J-600-0134-06 ✓

v.

Formal Filed: July 5, 2006

**John E. Potter,
Postmaster General,
C/o Great Lakes Area-Field Operations
Respondent**

Notice of Final Agency Decision

This is the final agency decision of the Postal Service in the above-referenced matter. You alleged discrimination on the bases of your race (Black), sex (female), color (not specified), disability (not specified) and retaliation (prior EEO activity), when management abolished your job duty assignment as a Data Collection Technician and continued to place male employees on a detail assignment into the abolished position.

Equal Employment Opportunity Commission (EEOC) Regulations at 29 C.F.R. §1614.107(a)(1) provides that an allegation or a complaint should be dismissed if it states the same claim that is pending before or has been decided by the agency or Commission.

The Commission's regulations provide that a complaint should be dismissed if it states the same claim that is pending or has already been decided by the agency or Commission. 29 C.F.R. §1614.107(a)(1). The Commission has interpreted this regulation to require that the complaint, or a particular claim within the complaint, must set forth the "identical matters" raised in a previous complaint in order for the subsequent complaint to be dismissed. See *Leyden v. United States Postal Service*, EEOC Appeal No. 01A51728 (March 21, 2005); *Terhune v. United States Postal Service*, EEOC Request No. 05950907 (July 18, 1997). It has long been established that "identical" does not mean "similar." The Commission has consistently held that in order for a complaint to be dismissed as identical, the elements of the complaint must be identical to the elements of the prior complaint in time, place, incident and parties. *Slater v. United States Postal Service*, EEOC Appeal No. 01A01795 (June 16, 2000); (July 18, 1997); see *Terhune v. United States Postal Service*, supra.

You had previously filed an EEO complaint in EEOC Case No. 210-2005-00234X; Agency Case No. 4J-600-0167-04 before EEOC Administrative Judge Christa L. Zamora, where you alleged that you were discriminated against on the bases of race (African-American), color (black), sex (female), age (DOB: 07/27/57), physical disability (prior diagnosis of breast cancer) and retaliated against (prior protected activity) when: 1] on May 28, 2004, you learned that your Data Collection Technician ("DCT") position would be abolished; and 2] after February of 2004, you did not receive proper training.¹

The Postal Service implemented Administrative Judge Christa L. Zamora's November 22, 2005 decision and issued you a Notice of Final Action with appeal rights to the Office of Federal Operations, Equal Employment Opportunity Commission in Washington, DC.

You filed an appeal of Administrative Judge Christa L. Zamora's decision in EEOC Case No. 210-2005-00234X to the Office of Federal Operations ("OFO"), which is currently pending before the OFO in Docket No. 01A61598.²

You had also filed another EEO complaint in Agency Case No. 4J-600-0025-06, whereby you alleged that you were discriminated against on the bases of your race (African-American), sex (female) and retaliated against (prior EEO activity) when: 1] on September 22, 2005, management offered you a Data Collection Technician position for a second time that unknown to you had been posted at the Carol Stream facility and you claimed that the posting came down the very day it was offered to you and was later awarded to another employee (Wendolyn Cooper); and 2] a Data Collection Technician position in Operations Support that had been vacated by Ms. Cooper was then offered to you on September 28, 2005, and you had accepted it and then found out from a union representative that management had changed this position from a craft position to an EAS position and assigned the duties to Diana Krotz, a white female and former postmaster; and when management offered you the Data Collection Technician position in Operations Support, they had requested that you withdraw your EEO complaint which you declined to do.

You have brought forth these same claim(s) within the statements included with your formal complaint.

This instant complaint raises the same claim(s) as your prior complaints in Agency Case Numbers 4J-600-0167-04 and 4J-600-0025-06. This instant complaint is based on the same set of facts and circumstances; they state the same claim, and accordingly, your complaint must be dismissed. *See Bupp v. United States Postal Service*, EEOC Appeal No. 01A24743 (June 26, 2003); *Turner v. United States Postal Service*, EEOC Appeal No. 01A22046 (September 4, 2002); *see also King v. United States Postal Service*, EEOC Appeal No. 01A11307 (July 26, 2001).

You are merely attempting to re-litigate the same issue(s), that is, whether your Data Collection Technician position was abolished in May 2004 for discriminatory reasons. You failed once with Administrative Judge Christa L. Zamora when you failed to establish

¹ See Minute Order dated November 22, 2005, granting summary judgment in EEOC Case No. 210-2005-00234X; Agency Case No. 4J-600-0167-04.

² See OFO Acknowledgement of Appeal letter dated January 10, 2006.

Notice of Final Agency Decision

Janice Scott

4J-600-0134-06

Page 3

a *prima facie* case of discrimination and retaliation. Dissatisfied with Administrative Judge Zamora's decision, you filed an appeal with the OFO, which is currently pending.

You cannot burden the EEO process with the same issue(s) merely because you cannot wait for the OFO to render a decision on your appeal.

Even if it were assumed to be true that you recently learned that other employees are performing Data Collection Technician duties; that knowledge does not create a new issue for investigation. You are merely using this supposed new information in your attempts to support your claim that your Data Collection Technician position should never have been abolished in the first place in May 2004.

Therefore, in accordance with EEOC Regulations at 29 C.F.R. § 1614.107(a)(1), your complaint is dismissed for stating the same claim that is pending before or has been decided by the agency or Commission.

Furthermore, it appears that you are merely alleging dissatisfaction with the processing of your prior EEO complaints, and therefore, this instant complaint must be dismissed. See *Heiser v. United States Postal Service*, EEOC Appeal No. 01A40320 (February 25, 2004); *Vaughan-Walker v. Department of Veterans Affairs*, EEOC Appeal No. 01A30923 (April 26, 2004); 29 C.F.R. § 1614.107(a)(8).

Appeal to the EEOC

You have the right to appeal the Postal Service's final decision to the Director, Office of Federal Operations, Equal Employment Opportunity Commission (EEOC), Post Office Box 19848, Washington, DC 20036-9848, within 30 calendar days of your receipt of this decision. You must use Form 3573, a copy of which is enclosed, in connection with your appeal. You may also deliver your appeal in person or by facsimile provided that briefs filed by facsimile are ten or fewer pages in length. Any supporting statement or brief must be submitted to the EEOC within 30 calendar days of filing the appeal.

Along with your appeal, you must submit to the EEOC that a copy of the appeal and any supporting documentation or brief were also submitted to the Manager, EEO Compliance and Appeals, USPS, Great Lakes Area-Field Operations, 244 Knollwood Drive- 2nd Floor, Bloomingdale, IL 60117-3010.

You are advised that if you file your appeal beyond the 30-day period set forth in the Commission's regulations, you should provide an explanation, in writing, as to why your appeal should be accepted despite its untimeliness. If you cannot explain why your untimeliness should be excused in accordance with § 1614.604, the Commission may dismiss the appeal as untimely.

Right To File Civil Action

Alternatively, if you are dissatisfied with the Postal Service's final decision in this case, you may file a civil action in an appropriate U.S. District Court within 90 calendar days of your receipt of the Postal Service's final decision, within 90 calendar days of the EEOC's final decision on any appeal, or after 180 days from the date of filing an appeal with the EEOC if no final decision has been rendered. If you choose to file a civil action, that action should be captioned **(Janice Scott) v. John E. Potter, Postmaster General**.

Notice of Final Agency Decision

Janice Scott

4J-600-0134-06

Page 4

You may also request the court to appoint an attorney for you and to authorize the commencement of that action without the payment of fees, costs, or security. Whether these requests are granted or denied is within the sole discretion of the District Judge. Your application must be filed within the same 90-day time period for filing the civil action.

for Mae K. Grant
Michael L. Garrett
Manager, EEO Compliance and Appeals
Great Lakes Area-Field Operations
244 Knollwood Drive, 2nd Floor
Bloomington, IL 60117-3010

7-13-06

Date

Enclosure: Appeal Form 3573

Janice Scott
4J-600-0134-06
Page 5

CERTIFICATE OF SERVICE

For timeliness purposes, it will be presumed that this Notice of Final Agency Decision was received within five (5) calendar days after it was mailed. I certify that on this date, this Notice of Final Decision was mailed via Regular First Class mail to the following parties:

Janice Scott
5508 W. Jackson Boulevard
Chicago, IL 60644-4204

Odell Harper
APWU Union Representative
PO Box 1005
Maywood, IL 60153-1005

Lana S. Johnson, Attorney
USPS Law Department
222 S. Riverside Plaza, Suite 1200
Chicago, IL 60606-6105

EEO/ADR Specialist
Northern Illinois District



Arturo Berumen
A/EEO Compliance and Appeals Specialist
Great Lakes Area-Field Operations
244 Knollwood Drive, 2nd Floor
Bloomington, IL 60117-3010

7/13/06

Date



Notice of Appeal/Petition to the Equal Employment Opportunity Commission, Office of Federal Operations

1. Appellant's Name (Last, First, MI) (Please Print or Type)

2. Daytime Telephone No. (Include Area Code)

3. Home Mailing Address

4. Name of Attorney or Other Representative (If any)

5. Telephone No. (Include Area Code)

6. Address of Attorney or Other Representative (If applicable)

7. Has the Appellant Filed a **Formal Complaint** with His/Her Agency?☐ No☐ Yes - Indicate the Agency's Complaint No.:

8. Name of Agency Being Charged with Discrimination

9. Location of Duty Station or Local Facility in Which the Complaint Arose

10. Has a **Final Decision** Been Issued by the Agency or MSPB on this Complaint?☐ Yes (Indicate the date the appellant received it, _____, and attach a copy.)☐ No☐ This Appeal Alleges a Breach of a Settlement Agreement.

11. Has a Complaint Been Filed on this Same Matter with the Commission, Another Agency, or Through Any Other Administrative or Collective Bargaining Procedure?

☐ No☐ Yes (Indicate the agency of procedure, complaint/docket number, and attach a copy, if appropriate.)

12. Has a Civil Action (Lawsuit) Been Filed in Connection with This Complaint?

☐ No☐ Yes (Attach a copy of the civil action filed.)

NOTICE: Before mailing this appeal, please be sure to attach a copy of the final decision from which you are appealing, if one has been issued. Any comments or brief in support of the appeal **MUST** be filed with the Commission AND with the agency within 30 days of the date this appeal is filed. Making a knowingly false statement on this form is punishable by law. See 18 U.S.C. § 1001.

Privacy Act Statement

(This form is covered by the Privacy Act of 1974, Public Law 93-597. Authority for requesting the personal data and the use thereof is given below.)

1. **Form Number/Title/Date:** EEOC Form 573, Notice of Appeal/Petition (April 1992 edition).2. **Authority:** 42 U.S.C. § 2000e-16.3. **Principle Purpose:** The purpose of this questionnaire is to solicit information to enable the Commission to properly and efficiently adjudicate appeals filed by Federal employees, former Federal employees, and applicants for Federal employment.4. **Routine Uses:** Information provided on this form will be used by Commission employees to determine (a) the appropriate agency from which to request relevant files; (b) whether the appeal is timely; (c) whether the Commission has

jurisdiction over the issue(s) raised in the appeal; and (d) generally to assist the Commission in properly processing and deciding appeals. Decisions of the Commission are final administrative decisions, and such as, are available to the public under the provisions of the Freedom of Information Act. Some information may also be used in de-personalized form as a database for statistical purposes.

5. **Whether Disclosure is Mandatory or Voluntary and Effect on Individual for not Providing Information:** Since your appeal is voluntary action, you are not required to provide any personal information in connection with it. However, failure to supply the Commission with the requested information could hinder timely processing of your case, or even result in the rejection or dismissal of your appeal.

13. Signature of Appellant or Appellant's Representative

Date

Send Your Appeal to:

**THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
OFFICE OF FEDERAL OPERATIONS
PO BOX 19848
WASHINGTON DC 20036-9848**

For EEOC Use Only

OFO Docket No

U.S. Postal Service

EEO Dispute Resolution Specialist's (DRS) Inquiry Report

Case No.

4J-600-0134-06

NOTICE OF RESTRICTED USAGE

Access to, and usage of, this EEO report is restricted by both the Freedom of Information Act and the Privacy Act to: (1) the complainant and his or her representative, and (2) government officials who must have access to the files to discharge their OFFICIAL duties. The report must be safeguarded. Willful violations of these requirements are subject to criminal penalties (5 U.S.C. 552a(i)).

Complainant

Name (Last, First, MI)

SCOTT, JANICE D.

Social Security No.

325-52-7156

Home Address (No., Street, City, State, ZIP + 4)

5508 W JACKSON BLVD

CHICAGO IL 60644-4204

Work Address (Facility Name, No., Street, City, State, ZIP + 4)

PALATINE P&DC

1300 E NORTHWEST HIGHWAY

PALATINE IL 60095-9997

Home Telephone No.

(773) 378-0144

Email Address

Office Telephone No.

(847) 590-6572

Position Title

FT CLERK

Grade Level

6/0

Tour

2

Duty Hours

7:00-3:30

Off Days (For Tour 1, record of nights)

SATURDAY & SUNDAY

Is EEO Poster 72 on display in Complainant's facility?

☒ Yes, verified on date 02/16/2006☐ No

Preference Eligible

☐ Yes☒ No

Mixed Case

☐ Yes☒ No

MSPB Appeal Filed?

☐ Yes☒ No If Yes, Date Filed:

/

Chronology of Informal Process

Date of Incident

02/15/2006

Date of Initial Contact with EEO Office

03/27/2006

Date of Initial Interview

04/19/2006

REDRESS™ Overview

☒ Yes☐ No

ADR Election Form Signed

☒ Yes☐ No

60 Day Extension Form Signed

☒ Yes☐ No

If Yes, Expiration Date: 06/25/2006

Date Complainant Signed or Received Notice of

Right to File 06/24/2006

Date DRS Report Requested

07/07/2006

Date DRS Report Submitted

07/10/2006

Basis for Alleged Discrimination

Check and Particularize Each that Applies

☒ 1. Race (Specify): BLACK☐ 6. Age (Specify Date of Birth):☐ 2. Color (Specify):☐ 7. Physical Disability (Specify):☐ 3. Religion (Specify):☐ 8. Mental Disability (Specify):☒ 4. Sex (Specify): FEMALE☒ 9. Retaliation (Specify Cited Prior EEO Activity):☐ 5. National Origin (Specify):

1J-602-0094-03, 4J-600-0167-04, 4J-600-0025-06

Discrimination Claim(s): Counselee alleged discrimination based on race (black), sex (female), and retaliation (case #1J-602-0094-03, 4J-600-0167-04, 4J-600-0025-06), when Management abolished her job duty assignment and continued to place male employees on a detail assignment into the abolished position.

HUMAN RESOURCES
APPEALS SECTION

JUL 11 2006

BLOOMINGDALE, IL 60117-3010

Requested Resolution

The counselee is requesting: (1) To be placed back into the Data Collection Technician position and made whole. (2) Management cease the recurring discrimination and retaliation. (3) \$200,000 for pain, suffering, undue hardship and humiliation. (4) Payment for every day that a male employee was detailed to the position that was abolished.

EEO Dispute Resolution Specialist's Checklist

Please check All That Apply.

- ☐ 1. I informed counselee of the impartial role of the Dispute Resolution Specialist in the EEO complaint process, explained the EEO process, and provided counselee with the booklet, *What You Need to Know About EEO* – an overview of the EEO process in the Postal Service.
- ☒ 2. I notified counselee of his/her right to be accompanied, represented, and advised by a representative of his/her choice at any stage in the complaint process. If counselee elected representation, I obtained the following information:

Representative's Name: ODELL HARPERTitle: APWU UNION REPRESENTATIVETelephone Number: (708) 344-4246

Fax No: () _____

Email Address: _____

Mailing Address: PO BOX 1005MAYWOOD IL 60153-1005

- ☒ 3. I advised counselee of his/her right to remain anonymous during pre-complaint counseling and he/she DID X / DID NOT _____ waive anonymity.
- ☒ 4. I explained the privacy act notice. Counselee signed a copy of the notice prior to the interview.
- ☐ 5. If a mixed case, I informed counselee of the mixed case election procedures in 29 C.F.R. §1614.302.
- ☐ 6. If age discrimination was alleged, I informed counselee of the alternate procedures available for pursuing age claims, as outlined in 29 C.F.R. §1614.201.
- ☐ 7. If a sex based claim of wage discrimination was alleged under Equal Pay Act (EPA), I advised counselee of his/her right to bypass the administrative procedure and file a civil action, as outlined in 29 C.F.R. §1614.408.
- ☐ 8. If discrimination based on disability was alleged I informed counselee of his/her requirement to submit documentation of his/her disability. Documentation HAS _____ / HAS NOT _____ been submitted.
- ☐ 9. If counselee presented his/herself as an agent of a class, I explained the class complaint procedures and the class agent's responsibilities, as outlined in 29 C.F.R. §1614.204.
- ☒ 10. I informed counselee of his/her requirement to immediately notify the area Manager, EEO Compliance and Appeals and the EEOC if the representative's or his/her mailing address change.
- ☐ 11. I explained that I will not be the one who will make the decision on the acceptability of counselee's claim(s); but, there is a possibility that, for the reason(s) I have briefly restated below, the claim(s) will be dismissed in accordance with 29 C.F.R.1614.107.

Dispute Resolution Specialist's Inquiry**Brief Summary of Inquiry (if applicable)**

Counselee requested EEO counseling on March 27, 2006, and was given an initial interview on April 19, 2006. Counselee requested REDRESS Mediation, and mediation was held on June 14, 2006. No agreement was achieved. She cites Leonard Eickhoff, Manager, Finance and Shirley Smith, Manager, Statistical Programs as the responsible management officials. Counselee stated that management has allowed several male employees to detail in the position of Data Collection Technician after the position was abolished. Counselee stated that on 2/15/2006, she was informed by a Union Official that employee, Dwight Baxter (black male), was detailed to the position of Data Collection Technician, performing the same work duties as the job that was abolished. She further stated that employees Leonard Gayden (black male) and Jay T. Martin (black male), Brian Gerald (white male), and James Zapp (white male), have also been assigned to the position. Counselee alleges discrimination and mental anguish due to not being allowed to detail back into the position that was abolished.

Manager, Leonard Eickhoff and Manager, Shirley Smith stated that they have not discriminated against the counselee and that the counselee is requesting to work 6:00 a.m to 2:30 p.m. with non scheduled days of Saturday and Sunday. Manager, Shirley Smith stated that no bid exists in the Statistical Programs Department with a Tour Two starting time and weekends off and the schedule the counselee is requesting is not conducive to the work that is performed by the Data Collection Technicians.

REDRESS™ (Dispute Resolution Specialist complete this section if counselee participated in ADR)

Date of mediation

June 14, 2006

Disposition

☐ Resolved☒ Not Resolved**Summary of Final Interview**

PS Forms 2565, and 2579-A, were executed and sent to the counselee by Certificate of Service on June 19, 2006.

Privacy Act Notice

The collection of this information is authorized by the Equal Employment Opportunity Act of 1972, 42 U.S.C. § 2000e-16; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants

or other benefits; to a congressional office at your request, to an expert, consultant or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

Office Address of Dispute Resolution Specialist
(No., Street, City, State, and Zip + 4)

NORTHERN ILLINOIS DISTRICT
500 EAST FULLERTON AVENUE
CAROL STREAM, IL. 60199-9412

Office Address of Manager EEO Compliance & Appeals
(No., Street, City, State, and Zip + 4)

APPEALS PROCESSING CENTER
244 KNOLLWOOD DRIVE
BLOOMINGDALE, IL. 60117-3010

Specialist's Office Telephone No.

(630)260-5596

Specialist's Office Hours

0800-1650

Signature of EEO Dispute Resolution Specialist

Typed Name of EEO Dispute Resolution Specialist

ADELA CAMPBELL

Date

07/10/2006

U.S. Postal Service

Information for Pre-Complaint Counseling

Certified Mail No.

Date Mailed

or

Hand Delivered on

By (Initials)

jmc

Case No.

43-600-0167-04

On May 28, 2004

(Month, Day, Year)

you requested an appointment with a Dispute Resolution Specialist.

Important: Please read. You should complete this form and return it to the EEO office within 10 calendar days of receipt. This is the only notification that you will receive regarding the necessity for you to complete this form.

A. Requester Information

Name (Last, First, MI)

Scott, Janice D.

Social Security No.

325-52-7156

Home Telephone No.

(702) 378-0144

Your Mailing Address

5508 W. Jackson Blvd Chicago IL 60644

Name of Postal Facility Where You Work

Palatine P&DC

Office Telephone No.

(702) 260 5438

Address of Postal Facility

1300 E. Northwest Highway Palatine IL

Email Address*

Employment Status (Check One)

☐ Applicant☐ Casual☐ TE☒ Career

Pay Location

652

Tour

2

Duty Hours

0600 - 1450

Position Title

Data Collection Tech

Off Days (If Tour / Show Nights Off)

SAT/SUN

Grade Level

6

Time in Current Position

20 Years Months

Your Supervisor's Name

Barbara Younger

Supervisor's Title

Supervisor

Supervisor's Telephone No.

(800) 260 5443

*Providing this information will authorize the U.S. Postal Service to send you important documents electronically.

B. Discrimination Factors

Prohibited discrimination includes actions taken based on your Race, Color, Religion, Sex, Age (40+), National Origin, Physical and/or Mental Disability, or in Retaliation (actions based on your participation in prior EEO activity). These categories are referred to on this form as factors.

What factor(s) of Discrimination are you alleging? (Please be specific, i.e., Race-African American, Sex-Female).

UNITED STATES POSTAL SERVICE

JUN 10 2004

NORTHERN DISTRICT

MANAGER EEO DISPUTE RESOLUTION

For Retaliation Allegations Only. If you are alleging retaliation discrimination, provide the date(s) and specifics of the EEO activity that you feel caused you to be retaliated against.

1. On 7/04, I engaged in EEO activity. Case No.: 15602 009403

2. On 3/14, I engaged in EEO activity. Case No.: 15602 009403

C. Description of Incident/Action

Please use the space below to briefly describe the incident or action that prompted you to seek EEO counseling at this time.

On 05/04, 2004
Month, Day Year

Please see statement submitted to EEO on 5/28/04

Counselor's Report
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D. Comparisons

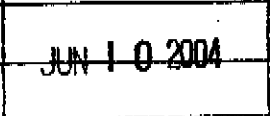
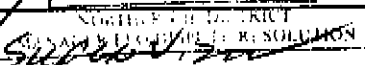
Explain why, based on the factors you cited in Section B, you believe that you were treated differently than other employees or applicants in similar situations

1. Valerie Capps Physical Disability Desparity of treatment
(Name of Employee) Factor(s) that describe the employee, i.e., sex (male), National Origin (Hispanic) overtime
was treated differently than I when: she work an NPS Sup spot I were not
allow to work due to the lack of training. I have been return
to several subsequent training. When Personnel can
approve I should have unschedule. I were on overtime schedule 4/12
2. Linda Neely Race - White Female Desparity of treatment
(Name of Employee) Factor(s) that describe the employee, i.e., sex (male), National Origin (Hispanic)
was treated differently than I when: I have received training (Rockford site) I were
deny to attend spot.

3. Paulette Frank Race - White Female Desparity of treatment
(Name of Employee) Factor(s) that describe the employee, i.e., sex (male), National Origin (Hispanic)
was treated differently than I when: I have been able to keep DataCollect Tech bid
in Rockford, when all DataCollect Tech position were to be under
Carol Stream Envision number. My bid were transfer over to Carol
Stream. see Back →

E. Official(s) Responsible for Action(s)

List the name(s) of the official(s) who took the action that prompted you to seek counseling at this time.

1a. Name <u>L. Eickhoff</u>	b. Title	
c. Office <u>Carol Stream IL</u>	d. Grade Level	
2a. Name <u>Shirley Smith / Barbara Young</u>	b. Title <u>MANAGER / Supervisor</u>	
c. Office <u>Carol Stream IL</u>	d. Grade Level	

Retaliation Allegations Only: Was/were the official(s) listed in Section D above aware of your prior EEO activity?

- ☐ No ☒ Yes If yes, explain how the official(s) became aware: They all were in the same
MANAGEMENT pos. in the prior EEO complaint.

F. Resolution

What are you seeking as a resolution to your pre-complaint?

Full the unfair rules in the Dept of Stat Prog.
a step. by all upon Managers.

G. Grievance/MSPB Appeal

On the incident that prompted you to seek EEO counseling, have you:

1. Filed a grievance on the same issue?

☐ No

☒ Yes

If yes,

5/28/04
(Date)

Counselor's Report

2. Filed a MSPB appeal on this issue?

☒ No

☐ Yes

If yes,

(Date Appeal Filed)

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- 1) Janet Oster White Female Desparity of treatment
 Gloria Black - Black Female " " "
 Wrennedylyn Cooper - Black Female " " "

They were allow to be out for SMT
 I were deny ~~that they were~~ all three -
 leave schedule my leave unschedule same
 day approved schedule.

- 1) Janet Oster White female were Des Plaine employee
 Diana Krotz White female were Elgin employee
 my two co-worker were able to bid on the
 Carol stream job I were deny. She also work
 1/3 overtime I were deny.

- 2) Janet Oster White Female EEO case 12/03 issued that
 she should work 2 day out of 5 day on the day shift
 I were deny to work on day shift saving such as
 ODB-RPW, Trac, CCS, CCS.

- 3) Broken Jorday Black Male Desparity of treatment +
 Janet Oster White Female " " "

Counselor's Report
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- Diana Krotz white female
 Wrennedylyn Cooper
 were all issued an T-2 position on Team 2. ~~the~~ They
 have received proper training - Broken Jorday received
 training on City or Rural Test I were deny.

- 4) Gloria Black Black Female received training on T2
 City & Rural Career I were deny training

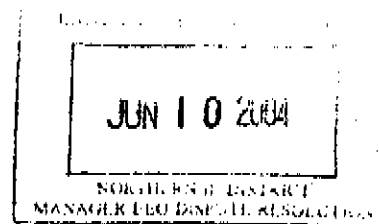
- 5) James Zapp white male (received 3, 1/2, 1/2 of
 white male Jacobs training train
 B. J. Mantion Black male Barbara Younger, Shirley Smith
 Wrennedylyn Cooper, Cheryl Beal
 Desparity of treatment + Janet Oster. I were deny training

(10) Cheryl B. Black Female were issued on 10/11/04
with Retiree Right I were deny reassignment
Right, Retiree Right, Relocation Right, excessive Right
I were not allow to come to Palatine.
I were not allow to travel to other
post office like other tech.

I Am extremely tired of this type of
treatment from Management Staff at
the USPS.

John Curt
Wiley

Please include this
Witness Statement with this EEO



H. Anonymity

You have the right to remain anonymous during the pre-complaint process.

Do you desire anonymity? ☒ No ☐ Yes

I. Representation

You have the right to retain representation of your choice. (check one)

☐ I waive the right to representation at this time.

☒ I authorize the person listed below to represent me.

Name of Representative <i>Tony Miller</i>	Representative's Title <i>Chief</i>	
Organization <i>---</i>	Telephone Number <i>(630) 649-0292</i>	Email Address <i>---</i>

Mailing Address (Street or P.P. Box, City, State and Zip +4)

1500 E. Northwest Highway Palatine IL 60075-9998

* Providing this information will authorize the U.S. Postal Service to send your representative important documents electronically.

J. Documentation

Please attach any documentation you wish to submit to support your allegation(s). Include a copy of any written action(s) that caused you to seek counseling at this time.

Note: If you are alleging mental and/or physical disability, it is important for you to submit medical documentation of your disability during the pre-complaint process.

K. Privacy Act Notice

Privacy Act Notice. The collection of this information is authorized by the Equal Employment Opportunity Act of 1972, 42 U.S.C. § 2000e-16; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses,

grants or other benefits; to a congressional office at your request, to an expert, consultant or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

L. Authorization

I am aware that the claim(s) contained herein shall by-pass the pre-complaint process if like or related to a formal complaint that I have already filed, or if the claim(s) constitutes a spin-off complaint. (A spin-off complaint contests the manner in which a previously filed complaint is being processed.) In completing this PS Form 2564-A, *Information for Pre-complaint Counseling*, I recognize that the Manager, Dispute Resolution will review the claim(s) contained herein and determine how they shall be processed. I will be notified, in writing, if the Manager determines that my claim(s) shall be processed as amendments or appendages to a formal complaint that I have already filed.

Please print your name here

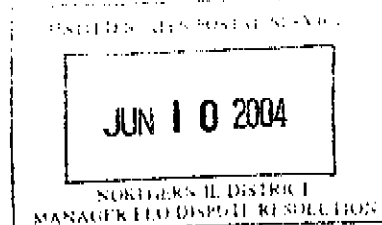
Vanessa Scott
Your Signature

Date signed

6/1/04

Please return this form to:

MANAGER EEO DISPUTE RESOLUTION
NORTHERN ILLINOIS DISTRICT
500 EAST FULLERTON AVENUE
CAROL STREAM IL 60199-9411



Counselor's Report
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APPEALS PROCESSING CENTER
GREAT LAKES AREA



**UNITED STATES POSTAL SERVICE
EQUAL EMPLOYMENT OPPORTUNITY CASE
IN THE MATTER OF:**

Janice D. Scott,
Complainant,

v.

John E. Potter,
Postmaster General,
Respondent

Agency No.: 4J-600-0167-04

Filed On: September 24, 2004

ACCEPTANCE OF COMPLAINT

The Postal Service has received your complaint of discrimination and it has been accepted for investigation. Beginning January 2004, your investigation will now be processed by the National EEO Investigative Services Office located in Tampa, FL. The investigative processing of your case will be handled by an investigator assigned by the National EEO Investigative Services Office.

You have alleged that you were discriminated against on the bases of race (African-American), color (black), sex (female), age (DOB: 07-27-1957), physical disability (not specified) and retaliation (prior EEO activity), when on May 28, 2004, you were notified that your full-time regular Data Collection Technician position would be abolished; and you further alleged that you did not receive proper training and were not provided the proper rights for your job reassignment and location.

NOTE: If your complaint involves an allegation of age discrimination, the Postal Service is required by the Age Discrimination in Employment Act of 1967, as amended, to advise you that you may consult with an attorney should you desire to do so before signing of any agreement resolving your complaint of age discrimination.

If you do not agree with the acceptance letter, you must provide the Sr., EEO Complaints Investigator at the Great Lakes Area Office with your objections, in writing, within seven (7) calendar days from the date of your receipt of this letter. If you do not wish to proceed with this complaint, you may request a withdrawal form from this office.

Your investigation will be completed within 180 calendar days (depending upon the workload volume of the investigator), from the date on which you filed your formal complaint, except that you and the Postal Service may voluntarily agree, in writing, to extend the time period by up to an additional ninety- (90) calendar days.

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Should you seek to amend your complaint, any amendment would extend the time period for completing the investigation by an additional 180 days except that the investigation of this complaint and any amendments could not extend past 360 calendar days from the date on which you filed this formal complaint.

If you have a grievance pending on the same issue(s) as those raised in this complaint, the Postal Service may, at its discretion, defer the processing of this complaint until the grievance procedure has run its course and there has been a final resolution of the grievance. When an investigation is deferred pending the outcome of the grievance process, the 180-day time period for processing this complaint is stopped and does not restart until the grievance is resolved. If the Postal Service decides to defer the processing of this investigation as was just described, you will be notified in writing and advised of any options, which you may have as a result.

When this investigation is completed, you will receive a copy of the report of investigation and you will be advised of your right to request a hearing before an Administrative Judge appointed by the U.S. Equal Employment Opportunity Commission (EEOC) or of your alternative right to request a final agency decision by the Postal Service without a hearing. You may request a final agency decision without a hearing, at the appropriate time, by writing to the:

**Manager, EEO Compliance and Appeals
Great Lakes Area Office
244 Knollwood Drive- 2nd Floor
Bloomington, IL 60117-3010**

You may request a hearing before an EEOC Administrative Judge by making such a request, in writing, to the District Director of the EEOC at the following address:

**Chicago District Office
U.S. Equal Employment Opportunity Commission
500 W. Madison Street, Suite 2800
Chicago, IL 60661-2511**

You must make your hearing request within thirty- (30) calendar days of the date on which you received the report of investigation and you must provide the Area Office with a copy of the hearing request. If you have not received a copy of the report of investigation and notification concerning your appeal rights within 180 calendar days from the date on which you filed your formal complaint, you may request a hearing by writing directly to the EEOC District Office shown above, with a copy to the Sr., EEO Complaints Investigator at the Great Lakes Area Office.

If you are dissatisfied with the Postal Service's final agency decision where there has been no hearing, or with the Postal Service's final action on the decision of an EEOC Administrative Judge following a hearing, you have certain appeal rights. You may appeal a final agency decision where no hearing has been held to the Office of Federal Operations of the EEOC, at the address shown below, within thirty- (30) calendar days of the date of your receipt of the final agency decision, or you may file a civil action in the appropriate U. S. District Court within ninety- (90) calendar days of the date of your receipt of the final agency decision. You may also appeal a final action by the Postal Service implementing a decision of an EEOC Administrative Judge following a hearing to the Office of Federal Operations of the U.S. Equal Employment Opportunity

Issues to be Investigated
Page 2 of 4

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Commission (EEOC) within thirty- (30) calendar days of the date of your receipt of that final action or you may file a civil action in an appropriate U. S. District Court within ninety- (90) calendar days of the date of your receipt of the final action. Finally, you may respond to an appeal by the Postal Service in connection with its final action not to implement a decision of an EEOC Administrative Judge following a hearing or you may file a civil action in an appropriate U. S. District Court within ninety- (90) calendar days of the receipt of the final action and appeal.

Any appeal to the EEOC should be sent to the following address:

Office of Federal Operations
U.S. Equal Employment Opportunity Commission
Post Office Box 19848
Washington, DC 20036-9848

You must send the Manager, EEO Compliance and Appeals a copy of your appeal and any supporting documentation. In addition, you must provide proof to the Office of Federal Operations that you have sent the Manager, EEO Compliance and Appeals a copy of your appeal and any supporting documentation.

You may file a civil action in an appropriate U. S. District Court after the expiration of the 180 calendar days from the date on which you filed this formal complaint if the Postal Service has not issued a final agency decision on your complaint or if no final action has been taken on a decision by an EEOC Administrative Judge. If you initially choose to file an appeal to the Office of Federal Operations of the EEOC, you may file a civil action in an appropriate U. S. District Court within ninety- (90) calendar days from the date of your receipt of the decision of the Office of Federal Operations. You may also file a civil action in an appropriate U. S. District Court if you have not received a decision on your appeal within 180 calendar days of the date on which you filed your appeal with the Office of Federal Operations.



Arturo Berumen
Sr., EEO Complaints Investigator



Date

Issues to be Investigated
Page 3 of 4

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CERTIFICATE OF SERVICE

For timeliness purposes, it will be presumed that this document, Acceptance of Complaint, was received within five (5) calendar days after it was mailed. I certify that on this date, this document was mailed to the following parties:

Janice D. Scott
5508 W. Jackson Boulevard
Chicago, IL 60644-4204

Raymond Abrams
NAPFE
1225 E. 79th Street
Chicago, IL 60619-3307

Manager, EEO Dispute Resolution
Northern Illinois District

Marissa Haley
NEEOISO Analyst
Tampa, FL



Arturo Berumen
Sr., EEO Complaints Investigator
Great Lakes Area Office - USPS
244 Knollwood Drive, 2nd Floor
Bloomington, IL 60117-3010

10/05/04
Date

EEO AFFIDAVIT

1. I chose to be assisted by a representative. My representative is:
Donna Drake
1225 E. 79th Street
Chicago, Illinois 60619
Tel: (773) 374-9300
2. Janice Derse Scott, African American, black, female, 47, unassigned regular full-time employee, Data Collection Technician
3. Not Applicable
4. Not Applicable
5. Race (African American)
Color (Black)
Sex (Female)
Age (DOB 7/27/57)
Hostile Work Environment
6. Attached Statement
7. I was never shown any documentation that showed any need to abolish my job. After my job was abolished other people did my former job on T-2. Manager Smith, Manager Eickhoff and Supervisor Younger told me verbally before June 8, 2004 that my bid would be abolished. I was also given a letter by management stating it would be abolished (Attach. 1). I was told that my position would be centralized to Carol Stream.
8. My job was abolished several times over the past 10 years and management had to re-instate me because of grievance settlements. Mr. Eickhoff, Manager of Finance, dislikes me because I am a black female. He made several derogatory statements about me to former Union President Bob Miles (Attach. 6 & 11). He has made exceptions for white females to continue working for him but keeps trying to abolish all my jobs. APWU investigation shows that management's actions were personal and violated my rights.
9. I filed an earlier EEO Complaint but it was dismissed for timeliness. EEO claimed I was 1 day late in sending in the appeal. I followed advice of USPS EEO Rep. Florian Matthews. I was given false information on the appeal.
10. This has been Manager Eickhoff third attempt to abolish my job. He was furious that I filed prior EEO complaint and was angry about the grievances I won.

11. Management violated Article 37 by not allowing me to bid on the jobs reposted for Carol Stream. Article 12 section 4 Principles of reassignment of the National Agreement. No retreat rights were included in notice of reassignment. The duties preformed by Data Collection are a District function.
12. Manager Leonard Eickhoff, Manger Shirley Smith, Supervisor Barbara Younger. Exceptions were made for 2 white females and none for me. Manager Eickhoff allowed others to bid on reposted jobs and not me. They also allowed Pauletta Fraita to retain her bid at Rockford, and Linda Newby from Desplaines to remain a Data Collection Tech. They have a postal car on site for Ms. Newby.
13. Names of the other Data Techs are: Janet Olstein (white) from Desplaines, Diane Kratz (white) from Elgin was able to transfer to Carol Stream and bid on data collection tech. Tour 2 positions and they were from nights. They are now Carol Stream employees. Pauletta Fraita (white) was able to keep her position at Rockford. I have more seniority than all of these employees. Booker Jordan (black male) was on tour 1 now on tour 2 after they told me that the reason for centralization was that there no work on tour 2.
14. Attached Statement.
15. Data Collection Technician position. September 03 to present. Subject Matter Expert 4/04.
16. Data Collection Technician, I was not given retreat rights at Palatine or Carol Stream. I was denied these rights because I am a black female and because of past practice of filing EEO and grievances. Exception were made for Pauletta Fraita, (white female) was allow to retain her position, Janet Olstein (white female) from Desplaines and Diane Kratz (white female) from Elgin, were given the opportunity to be put under Carol Stream Finance Number.
17. Training for Data Collection Technician that I received July 03 to Sept. 03 was to be obsolete Sept 03. No equipment or prerequisites documentation was made available to myself July 03 through Sept. 03. Feb. 04 through June 04, no equipment or prerequisites materials were provided. No opportunity to sit in class like other Data Collection Technician. (Attach 12 & 13).
18. Pauletta Fraita, (white female over 40) received training Feb 2004; Linda Newby (white female over 40) was driven to Rockford in Postal vehicle March 04 for training; Gloria Black (black, female) received training March through May 04 on Tour 2 Test Function; Bryant Gerald (white male over 40) received training at Palatine March through April 2004; J T Martin (black male over 40) received training at Palatine March through April 2004; Jim Zapps (white male) received training at Palatine from Supv. Barbara Younger March and April 04. Others included employees who last name is unknown: Jody, Wendolyn, and Booker Jordan

19. Training for Data Collection Technician that I received July 03 to Sept. 03 was to be obsolete Sept 03. No equipment or prerequisites documentation was made available to myself July 03 through Sept. 03. Feb. 04 through June 04, no equipment or prerequisites materials were provided. No opportunity to sit in class like other Data Collection. I was also not allowed to go in the field with any Data Collection Technician for training. Manager Shirley Smith stated because of health reasons, I couldn't do my job after being off a year (I was on FMLA for breast cancer). Manager Smith stated I have no job and she doesn't have to train me. Furthermore, Manager Smith and Supervisor Younger denied me recertification as a subject matter expert on April 04. My immediate Supervisor Barbara Younger also denied me training. Linda Newby was taken to Rockford in a Post Office vehicle with Supervisor Younger to receive the Quarterly training she missed in Feb. 04. I could not attend stated Supervisor Younger according to Manager Smith.

20. Article 2 and Article 37

21. Manager Leonard Eickhoff has an establish history of abolishing my job positions for personal reasons because of grievances I have filed; Manager Shirley Smith has stated to me, because of health reasons I couldn't do my job after being off a year. She stated I have no job and she doesn't have to train me. She marked my Notice of Leave as unscheduled, while others who put in for leave during the same time frame were marked as schedule. Manager Smith denied me recertification on April 04 and has verbally abused me; and Supervisor Barbara Younger my immediate Supervisor, she has carried out the behavior pattern of the aforementioned to harass and intimidate me in the performance of my duties and deny me training.

22. Gloria Black from Carol Stream, she can testify about how I was discriminated against and improperly trained.

23. Data Collection position job back, proper training with updated skills, compensatory damages, return to Tour 2, paid for out of schedule time any holiday and overtime pay and kept free from hostile environment.

24. I was hospitalize on 6/3/04 to 6/4/04 due to job stress. I experience stress every day knowing that individuals are out to get rid of me. I have trouble sleeping and can't get this experience out of my mind. I was awarded OWCP for on the job stress from Manager Eickhoff.

25. Please ask for training records from management.

Enclosures: Narrative Statement for Question 6 and 14

Attachments 1 through 13

Recording and training requirement for Data Collection System

END OF STATEMENT

NARRATIVE STATEMENT

6. On May 26, 2004, I received a letter dated for June 8, 2004 from Manager Shirley Smith. The letter stated my bid assignment, as a full-time Data Collection Technician would be abolished as of June 12, 2004. (Attach. 1). I was told that management wanted to abolish and repost all jobs in the Data collection Department. There were 7 full-time regular DCTs including myself. 2 from Rockford P&DC and the remaining 4 from Carol Stream P&DC. I filed a grievance for my abolished bid. I was told that on 3/5/04 management and the union conducted a formal meeting. Management officially notified the union that they would be eliminating 1 full-time regular DCT positions at the Rockford P&DC, and both the full-time and part-time DCT positions at the Palatine P&DC (Attachment 2 & 3). In addition, management would create an additional full-time regular position with a principle area of assignment at the Carol Stream P&DC (Attach. 3). Union also states that on May 19, 2004, they spoke with Gerry Giddens, the 601 Clerk Director who provide them with a copy of a memo that she received from Labor Specialist John Behnke which was dated May 18, 2004 stating that all of the jobs would be posted at Carol Stream. (Attach 5). I feel management in two ways discriminated me against:
1. I was not allowed to bid on the Data collection Jobs. As a Data Collection Technician I reported to Carol Stream P&DC because the Northern Illinois District is housed there. This has been the practice since I received this position in 3/13/99. My job consisted of going into the field as directed by management at any site they designated conducting tests in offices. Management chose to repost only Carol Stream and Rockford jobs but not the Palatine jobs. Exceptions were made for Clerk Janet Olsten (white female) from Desplaines, and Diane Kratz (white female) from Elgin. Olstein and Kratz were able to transfer to Carol Stream and bid on Data Collection Tech. They are now Carol Stream Employees. Pauletta Fraita (white female) was able to retain her position as a Data Collection Tech. in Rockford. I have more seniority than these employees.
 2. I feel I am being personal discriminated and harassed by Manager Leonard Eickhoff (white male) and Manager Shirley Smith. I am under Manager Eickhoff's Finance Department. This is Manager Eickhoff third attempt to get me out of his department. 2 other times Manager Eickhoff has had a bid of mine abolished (1) my bid as accounting clerk in 1988, (2) my bid as accounting technical in 1992 or 1993. He then reposts those jobs for another employee. Both times I was able to get my bid back through grievances. Manager Eickhoff is furious that I filed prior EEO Complaint (was thrown out for timeliness) and was angry about the grievances I filed. Manager Eickhoff has made several derogatory statements about me to former Union President Bob Miles (Attach. 6 and Attach. 11).

NARRATIVE STATEMENT

14. We are required to do IOCS reading for Palatine and Carol Stream. Headquarters states IOCS must be done on site in Palatine. I did not receive proper training because I was instructed to read an outdated manual. I was also not allowed to go in the field with any DOCs for training. Manager Shirley Smith stated because of health reasons, I couldn't do my job after being off a year (I was on FMLA for breast cancer) Manager Smith stated I have no job and she doesn't have to train me. Furthermore, Manager Smith and Supervisor Younger denied me recertification on April 04 as a subject matter expert. My immediate Supervisor Barbara Younger also denied me training. Data Collection Tech. Linda Newby was taken to Rockford in a Post Office vehicle with Supervisor Younger to receive the Quarterly training she missed in 2/04. I could not attend stated Supervisor Younger according to Manager Smith. Data Collection Tech Jodie and Pauletta came from Rockford to Carol Stream 3/04 to receive quarterly training they missed in 2/04 given by Supervisor Younger and DCT Wendolyn Cooper. They did not inform me they were holding training in Carol Stream. When I did find out about the Carol Stream training, I spent 30 to 45 minutes going back and forth to training and conducting IOCS reading. Therefore I couldn't effectively benefit from this training. Rockford training was denied to me. Valerie Capp was allowed to work overtime. But I was denied to work overtime 5/04. I was not trained to conduct surveys according to Manager Smith. Janet Olstein, Wendolyn Cooper and Manager Smith conducted a training session at the Palatine location; again I was not allowed to participate. Gloria Black and Jordan Booker went out in the field with Janet Olstein and Diana Kratz tour 2 was denied training. All other employees had received up to date training but myself.



EEO Complaint of Discrimination in the Postal Service

(See Instructions and Privacy Act Statement on Reverse)

1. Name JANICE D. SCOTT		2. SSN 325-52-7156	3. Case No. 4J-600-0167-04
4a. Mailing Address - Street or PO Box 5508 W. Jackson Blvd		4b. City State & Zip +4 Chicago IL 60644	
5. Email Address* N/A		6. Home Phone (773) 378-0144	7. Work Phone (847) 590-6572
8. Position Title (USPS Employees Only) CLERK	9. Grade Level (USPS Employees Only) 6	10. Do you have Veteran's Preference Eligibility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Installation Where You Believe the Discrimination Occurred (Identify Installation, City, State, and Zip+4) CAROL STREAM PDCC / Palatine PDCC CAROL STREAM, IL / Palatine IL		12. Name and Title of Person(s) Who Took the Action(s) You Allege was Discriminatory Leonard Eickhoff - Manager of Finance (Shirley Smith - Manager STOT Program) Barbara Young - Supervisor	
13a. Name of Your Designated Representative RAYMOND ABRAMS		13b. Title Labor Relations	
13c. Mailing Address (Street or P.O. Box) 1225 EAST 79th Street		13d. City, State and Zip +4 Chicago IL 60619	
13e. Email Address* N/A		13f. Home Phone (773) 378-4711	13g. Work Phone (773) 374-9300
14. Type of Discrimination You Are Alleging <input checked="" type="checkbox"/> Race (Specify): AFRICAN American <input checked="" type="checkbox"/> Color (Specify): Black <input type="checkbox"/> Religion (Specify): <input type="checkbox"/> National Origin (Specify):		15. Date on which alleged act(s) of Discrimination Took Place 4/04 - 5/04	
16. Explain the specific action(s) or situation(s) that resulted in you alleging that you believe you were discriminated against (treated differently than other employees or applicants) because of your race, color, religion, sex, age (40+), national origin, or disability. Note that if your allegation is like or related to a previous complaint, that complaint may be amended. 29 C.F.R. § 1614.106(d)		<p>9.</p>	

See Attached
 1. Discrimination based on age
 2. physical disability
 3. Retaliation
 4. Race
 5. Sex
 6. Color
 7. Desperity of treatment
 8. hostile work environment

17. What Remedy Are You Seeking to Resolve this Complaint?

Be Put Back in permanent position on T-2 as DATA Collect Tech (at large)
 received out-of-schedule paid of \$50,000.00 for pain & suffering.
 received punitive damage of \$50,000.00 for pain & suffering.
 compensation damages.

18. Did You Discuss Your Complaint with a Dispute Resolution Specialist or a REDRESS™ mediator?

☒ Yes

☐ No

(Date You Received the Notice of Final Interview)

19a. Signature of Dispute Resolution Specialist

19b. Date
8/23/04

20. Signature of Complainant or Complainant's Attorney

Formal Complaint


Page 1 of 1

21. Date of this Complaint
9/22/04

*Providing this information will authorize the U.S. Postal Service to send you important documents electronically.

**EEO Investigation Report****NOTICE****RESTRICTED USAGE**

Access to, and usage of, this EEO complaint is RESTRICTED by both the Freedom of Information Act and the Privacy Act to: (1) the complainant (and his or her representative), and (2) government officials who must have access to the files to discharge their OFFICIAL duties. The file and its contents must be safeguarded. Willful violations of these requirements are subject to criminal penalties (5 U.S.C. 552a(f)(1)).

Processing Office National EEO Investigative Services Office		Case No. 4J-600-0167-04	Date Filed 9.24.2004
Complainant Name Janice D. Scott		Position Title Data Collection Technician	
Address of Complainant 5508 W. Jackson Blvd Chicago, IL 60644-4204		Name of Complainant's Supervisor Barbara Younger	
Telephone No. 773.378.0144		Telephone No. 847.590.6572	Email Address
Email Address		Preference Eligible (yes or no) No	Mixed Case (yes or no) No
Complainant's Postal Facility Palatine P&DC		Responding Postal Facility Northern Illinois District	
Responding Postal Manager's Name Leonard Eickhoff		Responding Postal Manager's Address Northern Illinois District 500 E. Fullerton Avenue Carol Stream, IL 60189-9996	
Telephone No. 630.260.5420		Email Address	
Type of Complaint			
Race African-American	Color Black	Religion	Sex Female
Physical Disability Not specified		National Origin	
Mental Disability		Age (Date of Birth) 7.27.1957	
Retaliation Based on Previous Activity (Cited Dates and Case Nos.)			
1. Date: Case No.:		2. Date: Case No.:	
Claim(s): The Complainant alleges that she was discriminated against on the bases of her race (African-American), color (black), sex (female), age (DOB 7/27/1957), physical disability (not specified), and retaliation (prior EEO activity) when, on May 28, 2004, she was notified that her full-time regular Data Collection Technician position would be abolished. On the same bases, the Complainant also alleges discrimination when she did not receive proper training and was not provided the proper rights for her job reassignment and location.			
Complainant's Representative Name Donna Drake		Title Unknown	
Address of Representative 1225 E. 79th Street Chicago, IL 60619			
Investigator's Name (Print or Type) Danielle A. Kerry		Office Telephone No. 773.955.0399	Email Address attykerry@sbcglobal.net
Postal Address of Investigator PO Box 1535 Chicago, IL 60690-1535		Postal Address of Area Manager of EEO Compliance and Appeals 244 Knollwood Drive, 2nd Floor Bloomington, IL 60117-3010	
Investigator's Signature 		Date Report Completed February 1, 2005	Investigator No. 7043

EEO Dispute Resolution Specialist's (DRS) Inquiry Report
PS Form 2570
Continuation Page

Counselee elected to participate in Redress / Mediation, however this was determined to be inappropriate, being that a mediation conducted on November 24, 2003 for Counselee's previous EEO complaint 1J-602-0094-03 included the issue of notification that her Data Collection position was to be abolished.

Upon return of PS Form 2565, EEO Complaint of Discrimination in the Postal Service:

Counselee stated date on which alleged act(s) of discrimination took place as 4/04-5/04.

Counselee submitted additional background statements to suport her allegation of discrimination.

Counselee added the following purviews: Race / African-American, Color / Black, Sex / Female.

Counselee stated a new resolution as follows: 1) To be put back in permanent position on tour two as a Data Collection Technician, 2) Receive out of schedule pay, 3) Punitive damages of \$50,000.00 for pain and suffering, and 4) Compensatory damages.

Counselee designated her new representative as: Raymond Abrams, Representative of National Alliance of Federal Employees, 1225 East 79th Street, Chicago, IL. 60619-3307, (773) 374-9300


Signature of EEO Dispute Resolution Specialist

Dispute Resolution Specialist's Inquiry

Brief Summary of Inquiry (If applicable)

Manager of Finance, Leonard Eickhoff stated that abolishment of Counselee's position was a result of a functional review team's recommendation to centralize the Data Collection Technical positions.

REDRESSTM (Dispute Resolution Specialist complete this section if counselee participated in ADR)

Date of mediation

Disposition

☐ Resolved☐ Not Resolved

Summary of Final Interview

PS Forms 2565 and 2579-A, were executed via Certified Mail No. 7000 1530 0004 6330 0848 and received by the Counselee on September 10, 2004.

Privacy Act Notice

The collection of this information is authorized by the Equal Employment Opportunity Act of 1972, 42 U.S.C. § 2000e-16; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants

or other benefits; to a congressional office at your request, to an expert, consultant or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

Office Address of Dispute Resolution Specialist
(No., Street, City, State, and Zip + 4)

NORTHERN ILLINOIS DISTRICT
500 EAST FULLERTON AVENUE
CAROL STREAM, IL. 60199-9412

Office Address of Manager EEO Compliance & Appeals
(No., Street, City, State, and Zip + 4)

APPEALS PROCESSING CENTER
244 KNOLLWOOD DRIVE
BLOOMINGDALE, IL. 60117-3010

Specialist's Office Telephone No.

(630)260-5172

Specialist's Office Hours

VARIES

Signature of EEO Dispute Resolution Specialist

Typed Name of EEO Dispute Resolution Specialist

DANIEL ROGOWSKI

Date

09/29/2004

PS Form 2570, June 2004 (Page 3 of 3)

Counselor's Report

Page 3 of 18

EEO Dispute Resolution Specialist's Checklist

Please check All That Apply.

- ☒ 1. I informed counselee of the impartial role of the Dispute Resolution Specialist in the EEO complaint process, explained the EEO process, and provided counselee with the booklet, *What You Need to Know About EEO* – an overview of the EEO process in the Postal Service.
- ☒ 2. I notified counselee of his/her right to be accompanied, represented, and advised by a representative of his/her choice at any stage in the complaint process. If counselee elected representation, I obtained the following information:

Representative's Name: TOM MILLERTitle: CLERKTelephone Number: (630) 649-0292

Fax No: ()

Email Address: _____

Mailing Address: LEGAL ADDRESS NOT PROVIDED

- ☒ 3. I advised counselee of his/her right to remain anonymous during pre-complaint counseling and he/she DID X / DID NOT _____ waive anonymity.
- ☒ 4. I explained the privacy act notice. Counselee signed a copy of the notice prior to the interview.
- ☐ 5. If a mixed case, I informed counselee of the mixed case election procedures in 29 C.F.R. §1614.302.
- ☒ 6. If age discrimination was alleged, I informed counselee of the alternate procedures available for pursuing age claims, as outlined in 29 C.F.R. §1614.201.
- ☐ 7. If a sex based claim of wage discrimination was alleged under Equal Pay Act (EPA), I advised counselee of his/her right to bypass the administrative procedure and file a civil action, as outlined in 29 C.F.R. §1614.408.
- ☒ 8. If discrimination based on disability was alleged I informed counselee of his/her requirement to submit documentation of his/her disability. Documentation HAS _____ / HAS NOT X been submitted.
- ☐ 9. If counselee presented his/herself as an agent of a class, I explained the class complaint procedures and the class agent's responsibilities, as outlined in 29 C.F.R. §1614.204.
- ☒ 10. I informed counselee of his/her requirement to immediately notify the area Manager, EEO Compliance and Appeals and the EEOC if the representative's or his/her mailing address change.
- ☐ 11. I explained that I will not be the one who will make the decision on the acceptability of counselee's claim(s); but, there is a possibility that, for the reason(s) I have briefly restated below, the claim(s) will be dismissed in accordance with 29 C.F.R. 1614.107.

Counselor's Report

Page 2 of 18

U.S. Postal Service

EEO Dispute Resolution Specialist's (DRS) Inquiry Report

Case No.

4J-600-0167-04**NOTICE OF RESTRICTED USAGE**

Access to, and usage of, this EEO report is restricted by both the Freedom of Information Act and the Privacy Act to: (1) the complainant and his or her representative, and (2) government officials who must have access to the files to discharge their OFFICIAL duties. The report must be safeguarded. Willful violations of these requirements are subject to criminal penalties (5 U.S.C. 552a(i)).

Complainant

Name (Last, First, MI)

SCOTT JANICE D.

Social Security No.

325-52-7156

Home Address (No., Street, City, State, ZIP + 4)

**5508 W. JACKSON BLVD.
CHICAGO, IL. 60644-4204**

Work Address (Facility Name, No., Street, City, State, ZIP + 4)

**PALATINE PROCESSING & DISTRIBUTION CENTER
1300 EAST NORTHWEST HIGHWAY
PALATINE, IL. 60095-9997**

Home Telephone No.

(773) 378-0144

Email Address

Office Telephone No.

(847) 590-6572

Position Title

CLERK

Grade Level

06

Tour

2

Duty Hours

0600-1450

Off Days (For Tour 1, record of nights)

Saturday / Sunday

Is EEO Poster 72 on display in Complainant's facility?

☒ Yes, verified on date **09/28/2004**☐ No

Preference Eligible

☐ Yes☒ No

Mixed Case

☐ Yes☒ No

MSPB Appeal Filed?

☐ Yes☒ No

If Yes, Date Filed:

Chronology of Informal Process

Date of Incident

05/28/2004

Date of Initial Contact with EEO Office

05/28/2004

Date of Initial Interview

06/30/2004

REDRESS™ Overview

☒ Yes☐ No

ADR Election Form Signed

☒ Yes☐ No

60 Day Extension Form Signed

☐ Yes☒ No

If Yes, Expiration Date:

Date Complainant Signed or Received Notice of

Right to File **09/10/2004**

Date DRS Report Requested

09/27/2004

Date DRS Report Submitted

09/29/2004**Basis for Alleged Discrimination**

Check and Particularize Each that Applies

☒ 1. Race (Specify): African-American☒ 6. Age (Specify Date of Birth): July 27, 1967☒ 2. Color (Specify): Black☒ 7. Physical Disability (Specify): (not specified)☐ 3. Religion (Specify):☐ 8. Mental Disability (Specify):☒ 4. Sex (Specify): Female☒ 9. Retaliation (Specify Cited Prior EEO Activity):☐ 5. National Origin (Specify):**1J-602-0094-03**

Discrimination Claim(s): **Counselee alleges discrimination when on May 28, 2004 she was notified that her full-time regular Data Collection Technician position would be abolished. Counselee further alleges that she did not receive proper training, and was not provided the proper rights for her job reassignment, and location.**

Requested Resolution

Counselee requested: The unfair rules by the Department of Statistical Programs to stop.

Counselor's Report
Page 1 of 18



Notice of Right to File Individual Complaint

TO: Name (First, MI, Last)

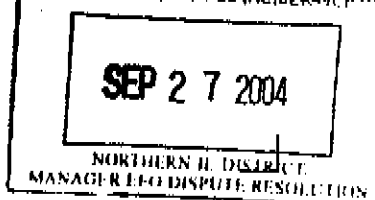
JANICE D. SCOTT

Re: Case No.

4J-600-0167-04

This notice will attest to the fact that on August 23, 2004 I advised you of the actions taken concerning the alleged discrimination that you brought to my attention. If the matters that you raised during the pre-complaint processing stage have not been resolved, you have the right to file a formal complaint within 15 calendar days of the date you received this notice. If you decide to file a formal complaint, your complaint must be put in writing and signed by you or your attorney, if you retain one to represent you. I am providing you with PS Form 2565, EEO Complaint of Discrimination in the Postal Service, for this purpose. The complaint must be delivered to:

MANAGER EEO DISPUTE RESOLUTION
NORTHERN ILLINOIS DISTRICT
500 EAST FULLERTON AVENUE
CAROL STREAM IL 60199-9411



Your complaint will be deemed timely filed if it is received at this address before the expiration of the 15-day filing period, or if it bears a postmark that is dated before the expiration of the filing period. In the absence of a legible postmark, it must be received by mail within 5 calendar days of the expiration of the filing period.

An EEO discrimination complaint can be processed only if the complainant alleges he or she has been discriminated against on the basis of race, color, religion, sex, age (40+), national origin, disability or retaliation for past EEO activity. In addition, courts have ruled the complainant has the burden of presenting evidence which would give rise to an inference of discrimination. A complaint must contain the following information:

(1) Your name, address, position, and level;

- If you change your address, you have a regulatory requirement to immediately report the change to the Manager, EEO Compliance and Appeals, in your area. (If you are employed at Postal Service Headquarters, a Headquarters Field Unit or by the Postal Inspection Service, you should notify the EEO Appeals Review Specialist at Postal Service Headquarters.)

(2) The specific action or matter complained of, the date of occurrence, and the names of the official(s) who took the alleged discriminatory action at issue in this complaint;

(3) The specific type of discrimination alleged, e.g. race - African American, sex - female, etc.;

- If you allege disability discrimination, the alleged disability must be more than a temporary condition.
- If you allege age discrimination, you must have been at least 40 years of age on the date the alleged discriminatory action occurred.

(4) A brief statement of the facts that led you to believe you were discriminated against and the names of similarly situated individuals whom you believe were treated differently than you.

- If you allege a failure to accommodate a disability or your religion, you must explain the accommodation sought and why you sought it.
- If you allege retaliation, you must show a connection between the action at issue in the complaint you are filing and your past EEO activity. You must also show that when the alleged discriminatory action at issue in this complaint occurred, the management who took the action was aware that you had previously engaged in protected activity.

(5) The name of the EEO Dispute Resolution Specialist who provided you with this notice and the date you received this Notice of Right to File.

Privacy Act Notice

Privacy Act Notice. The collection of this information is authorized by The Equal Employment Opportunity Act of 1972, 42 U.S.C. § 2000e-16; The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 633a; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which to USPS is a party of has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations,

Contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

Signature of Dispute Resolution Specialist

Date

08/23/2004

Your Signature

Date Received

9/22/04

Dispute Resolution Specialist: If you are mailing this Notice, you must send it by Certified Mail, Return Receipt Requested

SEP 27 2004

NORTHERN ILL. DISTRICT
MANAGER EEO DISPUTE RESOLUTION

Management's Response:

Manager of Finance, Leonard Eickhoff stated that abolishment of your position was a result of a functional review team's recommendation to centralize the Data Collection Technician positions.

Be advised that, as the Complainant, it is your obligation to show, by a preponderance of the evidence: first, that Management's reasons for its actions are a pretext for discrimination, and not worthy of belief; and second, that Management's actions were more likely motivated by one or more discriminatory factors prohibited by EEO regulations.

If you believe the incidents that you described were truly discriminatory, you have the right to file a formal complaint within fifteen (15) days of receipt of this Certified letter. Enclosed is PS Form 2579-A, (Notice of Right to File an Individual Complaint) and PS Form 2565 (EEO Complaint of Discrimination in the Postal Service). The forms are contained only in the Certified letter. If you fail to file a formal complaint within the specified time limitation, your case file will be considered closed and no further action will be taken.

If you choose to file a formal complaint, send the signed and dated forms along with a **COPY OF LETTER NOTIFYING YOU OF THE ABOLISHMENT OF YOUR DATA COLLECTION POSITION**, and any additional documentation that supports your allegation to:

Manager EEO Dispute Resolution
Northern Illinois District
500 East Fullerton Avenue
Carol Stream, IL. 60199-9411

If you no longer wish to pursue your claim, please disregard this notice.

Sincerely,


Daniel Rogowski
EEO Dispute Resolution Specialist

Enclosures (PS Forms 2565, and 2579-A within Certified letter only)

cc: Representative, Tom Miller / APWU

500 East Fullerton Avenue
Carol Stream IL. 60199-9412
Telephone NO. 630-260-5172
FAX NO. 630-260-5174

Counselor's Report
Page 7 of 18

CERTIFICATE OF SERVICE

I hereby certify that this **NOTICE of Right to File Individual Complaint** was mailed by Certified Mail to:

Janice D. Scott
5508 W. Jackson Blvd.
Chicago, IL 60644-4204

Certified # 7000 1530 0004 6330 0848

(The actual PS Forms 2565 and 2579-A are contained in the Certified package only)

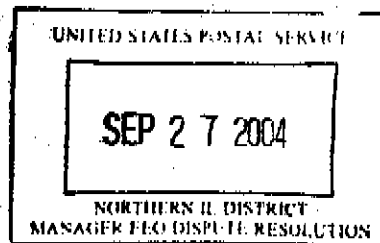
I further certify that a copy of the cover letter and Certificate of Service only was mailed by Ordinary First Class Mail to:

Janice D. Scott
5508 W. Jackson Blvd.
Chicago, IL 60644-4204

Representative, Tom Miller / APWU
194 W. Lake
Elmhurst, IL 60126-1519

8/23/04
Date


EEO Dispute Resolution Specialist



I

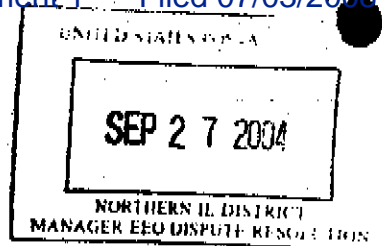
9/20/04

To Whom It May Concern,

Reasons As following Type of Discrimination

- (1) Manager of Finance Leonard Eickhoff never gave me, in writing, that abolishment of my position, were the result of a functional review team's recommendation, to centralize the data collection Dept (technicians) positions.
- (2) Manager of Finance Leonard Eickhoff were involved in an prior contract grievance similar to this case whereby I were award monetary damages.
- (3) Robert Miles witness statement citing Mr Eickhoff personal discriminatory feeling about me.
- (4) Manager of Finance Leonard Eickhoff has bragged about he been sue before

Counselor's Report
Page 9 of 18



A
9/30/04

by me and he take his chances.

⑤ By preponderance of the evidence, Mr Leonard Eickhoff's feeling about me, are documented. As he has been involved in prior grievances, As well as Shirley Smith and Barbara Younger. See attached exhibits.

Janice Pratt
325-52-7156
45600 016704

⑥ I were denied the right to bid - per Management at Carol Stream.

EEO DISPUTE RESOLUTION SPECIALIST
EEO DEPARTMENT



August 23, 2004

Janice D. Scott
5508 W. Jackson Blvd.
Chicago, IL. 60644-4204

Certified Mail No. 7000 1530 0004 6330 0848 and Ordinary Mail

RE: EEO Case No. 4J-600-0167-04

Mrs. Scott:

This notice is being sent to you regarding your Information for Precomplaint Counseling (PS Form 2564-A) received at our office on June 10, 2004. You signed PS Form 2567-B, Agreement to Participate in REDRESS, and Alternative Dispute Resolution Process, however it has been determined that this case is inappropriate for mediation being that this same issue was previously mediated in EEO Case No. 1J-602-0094-03 on November 24, 2003. Therefore, be advised that this letter serves as a **Final Interview** relative to your Request for Counseling, what follows is a summary of your allegations.

ALLEGATION:

You have alleged discrimination based on age, physical disability, and retaliation, when you were notified that on May 28, 2004 your full-time regular Data Collection Technician position would be abolished. You further allege that you were not given proper rights for job reassignment, and location.

RESOLUTION:

You have requested: For the unfair rules by the Department of Statistical Programs to stop.

Counselor's Report
Page 11 of 18

500 East Fullerton Avenue
Carol Stream IL 60199-9412
Telephone NO. 630-260-5172
FAX NO. 630-260-5174



04-434

Case No.

Allegations of Discrimination Based on Age

To: (Full Name, & Address)

MANAGER EEO DISPUTE RESOLUTION
NORTHERN ILLINOIS DISTRICT
500 EAST FULLERTON AVENUE
CAROL STREAM, IL. 60199-9411

Janice D. Scott
SS#: 325-52-7156
D.O.B. 07-27-57
Age: (46)

The Age Discrimination in Employment Act (ADEA) of 1967, as amended, prohibits discrimination in employment on the basis of age (40 years or older). The ADEA allows persons claiming age discrimination to go directly to court without going through an agency's administrative complaint procedures. The following information is being provided to you to explain the procedures concerning age discrimination.

If your complaint alleges age discrimination, you may bypass the administrative complaint process by electing not to file a formal complaint and instead filing a civil action in an appropriate U.S. District Court. Before filing suit in U.S. District Court, you must file a notice of intent to sue with the Office of Federal Operations, Equal Employment Opportunity Commission. You must file the notice within 180 calendar days of the date of the alleged discriminatory action. Once you have filed a timely notice of intent to sue with the EEOC, you must wait thirty (30) calendar days before filing a civil action.

A. Notices of intent to sue must be mailed to the EEOC at the following address:

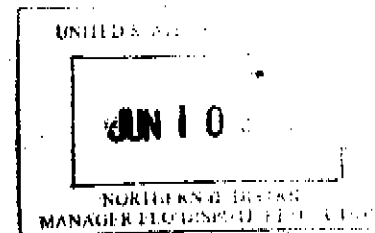
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
OFFICE OF FEDERAL OPERATIONS
FEDERAL SECTOR PROGRAMS
P.O. BOX 19848
WASHINGTON, D.C. 20036-9848

or delivered to:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
OFFICE OF FEDERAL OPERATIONS
FEDERAL SECTOR PROGRAMS
1801 L STREET, N.W.
WASHINGTON, D.C. 20507-0001

or faxed (if no more than 10 pages) to:

OFFICE OF FEDERAL OPERATIONS
FEDERAL SECTOR PROGRAMS
(202) 663-7022.



B. The notice of intent to sue should be dated and must contain the following information:

- (1) Statement of intent to file a civil action under section 15(d) of the Age Discrimination in Employment Act of 1967, as amended;
- (2) Your name, address, and telephone number;
- (3) Name, address, and telephone number of the your designated representative, if any;
- (4) Name and location of the Postal facility where the alleged discriminatory action occurred;
- (5) Date on which the alleged discriminatory action occurred;
- (6) Statement of the nature of the alleged discriminatory action(s); and
- (7) Your signature or your representative's signature.

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- C. If you choose to file a formal EEO complaint, you must exhaust your administrative remedies before you can file a civil action. 29 C.F.R. §1614 provides that you exhaust administrative remedies under the ADEA: (1) 180 days after filing a complaint, if the Postal Service has not taken final action and you have not filed an appeal; or (2) within 90 calendar days after receiving a final action by the Postal Service; or (3) 180 days after filing an appeal with the EEOC if the Commission has not issued a final decision; or (4) within 90 days after receiving the Commission's final decision on appeal.**

Signature of Dispute Resolution Specialist

Date Issued

Your Signature

Date Received

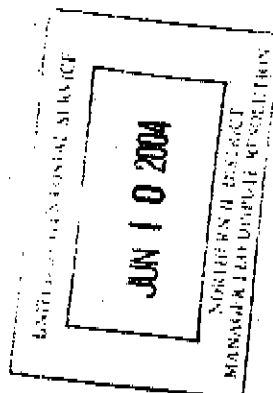
Janice D. Scott

PS Form 2563-B, March 2001

[Handwritten Signature]

[Handwritten Date: 6/11/08]

**U.S. Postal Service
Agreement to Participate in REDRESS™,
an Alternative Dispute Resolution Process**



04-434

Case No.

45-600-0167-04

Date Initiated

05-28-04

Counselor's Report
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Janice D. Scott SS#: 325-52-7156

have been advised that, in accordance with 29 C.F.R. §1614.105(f), I have the option of participating in mediation instead of the counseling process. The EEO complaints processing office has given me information about the mediation procedure, and I voluntarily agree to participate in REDRESS™ mediation during the pre-complaint processing period. I am aware that REDRESS™ mediation sessions are confidential, and that resolutions reached during the procedure are handled in the same manner as are resolutions reached during the counseling process. In signing this agreement, I acknowledge that the pre-complaint processing period will be 90 calendar days. If the matter that I brought to the dispute resolution specialist's attention has not been resolved before the 90th day, I have the right to file a formal complaint at any time thereafter up to 15 calendar days after receiving my notice of right to file a discrimination complaint.

Privacy Act Notice

Privacy Act Notice. The collection of this information is authorized by the Equal Employment Opportunity Act of 1972, 42 U.S.C. § 2000e-16; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has interest; to a government agency in order to obtain information relevant to a USPS decision regarding employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants or other

benefits; to a congressional office at your request to an expert, consultant or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

Signature of Counselor

Date